

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID ROBERT BENTZ,

Plaintiff,

v.

WEXFORD HEALTH SOURCES, et al.,

Defendants.

Case No. 18-cv-1213-DWD

**MEMORANDUM AND ORDER**

DUGAN, District Judge:

This matter is before the Court on several pending Motions.

**Motions for Sanctions (Docs. 142 and 145)**

Defendants Allsup, Furlow, Gross, Holder, Jones, Lashbrook, Maciura, Marshall, Maue, McGee, Mears-Attig, Mulholland, Short and Waller filed a Motion to Dismiss for Sanctions (Doc. 142) and Siddiqui, Shah, Moldenhauer and Wexford (Doc. 145) due to Plaintiff's failure to respond to their discovery requests.

Plaintiff has failed to respond to the Motion by the deadlines (December 14, 2020 and January 7, 2021) and has failed to request additional time. Under Local Rule 7.1 (c) and (g), "[f]ailure to file a timely response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion." Plaintiff has filed other papers in this and other cases since that time. Accordingly, the Court will exercise its discretion and **GRANT** the Motions. Plaintiff's claims are **DISMISSED without prejudice**.

**“Notice of Contempt” (Doc. 147)**

Plaintiff filed a “Notice of Contempt of Court” asking for sanctions to be imposed on the Warden of Menard Correctional Center for denying him use of the law library and e-filing system, requiring him to instead mail his filings to the Court. (Doc. 147). He asks the Court to impose sanctions upon Defendants and/or the Warden of Menard and Menard Correctional Center in the amount of \$200. Defendants have filed Responses in opposition. (Docs. 148 and 153).

As an initial matter, Plaintiff filed this Notice with seven cases in the caption. Plaintiff has previously been specifically ordered not to take this shotgun approach to litigation and refrain from filing duplicative motions in multiple cases. *See Bentz v. Lindenberg*, 18-cv-0016-DRH (Doc. 13). Plaintiff has failed to adhere to instructions given by the judges in this district to provide full details of his allegations when filing motions and to refrain from filing duplicative documents in multiple cases. *See Bentz v. Threadgille*, No. 17-cv-01384 (Docs. 86, 100); *Bentz v. Atchinson*, No. 14-cv-001132 (Doc. 105) (denying two motions for contempt because Plaintiff failed “to specifically identify any documents that were not actually filed”); *Bentz v. Hughs*, No. 13-cv-01280 (Doc. 105) (noting that Plaintiff’s reasons for requesting copies of a transcript were “vague”); *Bentz v. Qualls*, No. 14-cv-00562 (Doc. 50) (stating that Plaintiff’s “generalized allegation of harassment and threats is insufficient to justify issuance of a preliminary injunction”); *Bentz v. Lindenberg*, No. 15-cv-000121 (Doc. 118) (denying motions for contempt for failing to indicate what documents have not been filed with the court or how he has been prejudiced); *Bentz v. Maue*, 16-cv-00854 (Doc. 200) (denying motion for status for failure to provide anything

more than general assertions). Plaintiff has disregarded these instructions. He filed the Notice of Contempt in this case and six others and fails to provide “concrete facts” regarding his allegations and how they relate to *this case*. Therefore, the Notice’s request for sanctions is **DENIED**.

**Disposition**

Defendants’ Motions to Dismiss (Docs. 142 and 145) are **GRANTED**. Plaintiff’s “Notice of Contempt” (Doc. 147) is **DENIED**. Defendants Moldenhauer, Shah, Siddiqui and Wexford’s Motion for Summary Judgment (Doc. 150) is **MOOT**.

Plaintiff’s claims are **DISMISSED without prejudice**. The Clerk’s Office is **DIRECTED** to close this case and enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: July 26, 2021**



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**DAVID W. DUGAN**  
**United States District Judge**